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March 22, 2005

Mail Stop: NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Re: U.S. Patent Application Serial No. 09/887,365 of COGEN, Jeffrey M.  
for his "System and Method for Placing Orders at a Restaurant";  
Filed: June 22, 2001  
Our Docket No. 008964/1**

Honorable Commissioner:

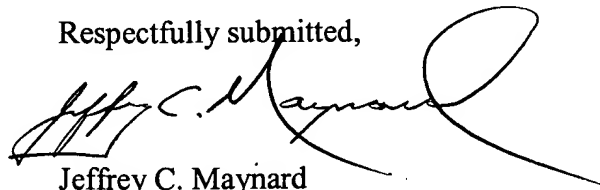
Enclosed please find the following:

1. Response to the Official Action dated December 22, 2004 (3 pages).
2. Our post card. Please date stamp and return.

In the event that Applicant has overlooked the need for any petition for an extension of time to file the enclosed papers, petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s).

Please charge any unanticipated fees, or credit any overpayment, to our Deposit Account No.: 50-1479 (a duplicate copy of this charge authorization is attached).

Respectfully submitted,

  
Jeffrey C. Maynard  
Reg. No. 46,208

Enclosures

Commissioner for Patents

March 22, 2005

Page 2

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I HEREBY CERTIFY that the above-referenced documents for **Application Serial No. 09/887,365** are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to:

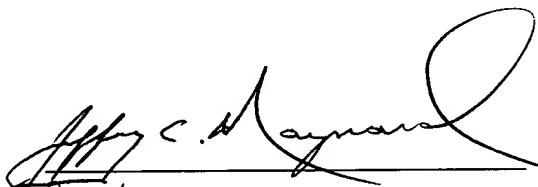
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COGEN, Jeffrey M.

Appln. No.: 09/887,365

Examiner: James A. Kramer

Filed: June 22, 2001

Art Unit: 3627

For: SYSTEM AND METHOD FOR PLACING ORDERS AT A RESTAURANT

\* \* \* \* \*

March 22, 2005  
008964/1

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Commissioner for Patents  
P.O. Box 1450  
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**RESPONSE**

Honorable Commissioner:

This communication is responsive to the Office Action mailed 12/22/2004. Please consider the following remarks.

**REMARKS**

Applicant respectfully requests reconsideration of this application. Claims 1-19, 22, 25-32, 35, 38-45, 48, 51-66 were pending in the application. In this response, no claims have been amended; deleted, or added. Therefore, Claims 1-19, 22, 25-32, 35, 38-45, 48, 51-66 are pending in the application.

The Examiner has rejected Claims 1-8, 12-14, 16-17, 19, 22, 27-30, 32, 35, 38-40, 42-43, 45, 48, 52, 54-56, 58, 59, and 61-63 under 35 U.S.C. § 102(a) as being anticipated by Handheld HQ/Supersync/Pocket Rx/Pocket Parts TV Sync by Kliot and Glass. Applicant respectfully traverses the rejection. While Applicant appreciates the Examiner's diligence in contacting Mr. Kliot concerning his system, there is still no evidence that the system meets the strict reading of 35 U.S.C. § 102(a). The invention was not patented or described in a printed publication in this or a foreign country, before the invention thereof by Applicant. Mr. Kliot has failed to show that